

Title 417 WAC

REDISTRICTING COMMISSION

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Chapter 417-01 WAC

ADMINISTRATIVE PROCEDURES

WAC

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WAC 417-01-100 Purpose. The purpose of these rules is to establish administrative rules for the Washington state redistricting commission and to implement the provisions of article 2, section 43 of the state constitution and chapter 44.05 RCW.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-100, filed 9/19/91, effective 10/20/91.]

WAC 417-01-105 Description of organization. The Washington state redistricting commission is a five member commission appointed each year ending in one to accomplish legislative and congressional redistricting in accordance with article 2, section 43 of the state constitution and chapter 44.05 RCW. The membership consists of four voting members appointed by the leaders of the two largest political caucuses in the senate and house of representatives. The commission chair is selected by the voting members.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-105, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-01-105, filed 9/19/91, effective 10/20/91.]

WAC 417-01-110 Commission responsibilities and duties. Pursuant to article 2, section 43 of the state constitution and chapter 44.05 RCW, the commission's duties are:

(1) To accomplish state legislative and congressional redistricting;

(2) To act as the legislature's recipient of the final redistricting data and maps from the United States Bureau of the Census;

(3) To disclose and preserve public records as specified in chapters 42.17 and 40.14 RCW;

(4) To hold open public meetings pursuant to the Open Public Meetings Act, RCW 42.30;

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(5) To prepare and disclose its minutes pursuant to RCW 42.32.030;

(6) To prepare and adopt agency rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW;

(7) To prepare and publish a report with a redistricting plan as provided in RCW 44.05.080(7);

(8) To distribute census data to counties for local redistricting as required by chapter 29.70 RCW.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-110, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-01-110, filed 9/19/91, effective 10/20/91.]

WAC 417-01-115 Authority. These rules are adopted pursuant to the requirements of RCW 44.05.080(1) and the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-115, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-01-115, filed 9/19/91, effective 10/20/91.]

WAC 417-01-120 Definitions. The following definitions shall apply throughout this title:

(1) "Commission" shall mean the Washington state redistricting commission established pursuant to article II, section 43 of the state constitution and RCW 44.05.030;

(2) "Commissioners" shall mean the four voting commissioners appointed to the commission pursuant to article II, section 43 of the state constitution and RCW 44.05.030;

(3) "Chair" shall mean the nonvoting chairperson of the commission, appointed by the voting members pursuant to article II, section 43 of the state constitution and RCW 44.05.030(3).

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-120, filed 9/19/91, effective 10/20/91.]

WAC 417-01-125 Offices. (1) The commission office is located at 505 East Union Avenue, Suite 350, Olympia, Washington. The mailing address is: Washington State Redistricting Commission, P.O. Box 40948, Olympia, WA, 98504-0948. Telephone number: (360) 586-9000. Facsimile number: (360) 586-8995. Internet address: www.redistricting.wa.gov. Electronic mail address: contact@redistricting.wa.gov. Office hours for the commission shall be from 8 a.m. to 5 p.m. on all normal business days. Office hours for inspection and copying of public records shall be as provided in chapter two hereof.

(2) The commission address and contact information shall remain in effect for the duration of the 2001-2002 commission. Inquiries after that date shall be directed to the secretary of state.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-125, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-01-125, filed 9/19/91, effective 10/20/91.]

WAC 417-01-127 Communications, inquiries and requests. Communications, inquiries and requests to the commission and staff concerning commission rules, meetings, or other matters may be made in person, by letter, by telephone, by telefax or by electronic means to the offices listed in WAC 417-01-125(1). Requests for public records must be made in writing.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-127, filed 6/20/01, effective 7/9/01.]

WAC 417-01-130 Officers. (1) There shall be an executive director of the commission who shall be responsible to the commission for the overall administration of the commission and its business, and who shall have such other duties and responsibilities as the commission may from time to time decide.

(2) The executive director shall report to the chair.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-130, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-01-130, filed 9/19/91, effective 10/20/91.]

WAC 417-01-135 Staff. The executive director, with the approval of the chair, shall appoint such assistants and employees as may be appropriate and necessary to the functions of the commission, and shall supervise the assistants and employees.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-135, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-01-135, filed 9/19/91, effective 10/20/91.]

WAC 417-01-140 Professional advisors. The commission may, by majority vote, appoint attorneys, advisors and others to assist it in the conduct of its duties, and they shall have such duties and receive such compensation and reimbursement as the commission may from time to time, by majority vote, determine. The chair, upon approval by a majority of the commission's voting members, shall authorize the payment of necessary expenses of a witness incurred in testifying at the invitation of the commission.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-01-140, filed 9/19/91, effective 10/20/91.]

WAC 417-01-145 Political activities. Neither the chair, nor any commissioner shall:

(1) Campaign, as a candidate, for any elective office while a member of the commission;

(2) Actively participate in or contribute to any political campaign of any candidate for any state or federal elective office while a member of the commission;

(3) Hold or campaign for a seat in the U.S. Congress or in the legislature of this state until two years have elapsed following the effective date of the redistricting plan adopted pursuant to RCW 44.05.100.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-145, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-01-145, filed 9/19/91, effective 10/20/91.]

WAC 417-01-150 Meetings. (1) Regular meetings: The commission shall meet regularly during the months of April through December in each year ending in one, at the

commission's offices in Olympia, as published in the *Washington State Register*.

(2) Special meetings: The commission shall meet at other times and places, at the call of the chair or of a majority of the commissioners. Notice of special meetings shall be given at least twenty-four hours before the time of such meeting as specified in the notice, to the media and to all others who have requested notice of commission meetings.

(3) Agenda: The chair, or the commission majority calling a special meeting, shall propose an agenda for the meeting, which shall be distributed to commissioners, to the media, and to others who have requested notice, at the earliest practical date prior to the meeting.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-150, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-01-150, filed 9/19/91, effective 10/20/91.]

WAC 417-01-155 Conduct of commission business.

(1) Three voting members of the commission shall constitute a quorum for the conduct of business.

(2) The votes of any three of the commissioners shall be required for any official action of the commission: Provided, That the chair shall have the authority on behalf of the commission to execute contracts and leases, and approve expenditures and reimbursements, related to the business of the commission. The chair may, without the prior approval of the commission, authorize expenditures for equipment and supplies not to exceed \$15,000. Expenditures made pursuant to this section shall be reported as a separate item on the agenda at the next commission meeting.

(3) The chair shall not have a vote at any meeting of the commission.

(4) Commission meetings shall be conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW).

(5) The commission shall not adopt any redistricting plan, or partial redistricting plan, except at a public meeting, notice of which has been given in accordance with these rules.

(6) The commission shall not take any action by secret ballot.

(7) When not inconsistent with the state constitution, statute, or these rules, parliamentary matters before the commission shall be governed by *Robert's Rules of Order, Tenth Edition*.

(8) Motions shall not require a second in order to be placed before the commission for a vote.

(9) All public meetings of the commission shall be electronically recorded. The minutes and tapes thereof shall be available to the public in accordance with the rules regarding access to public records held by the commission. At all meetings of the commission where public testimony regarding redistricting boundaries is a scheduled agenda item, the commission shall provide for the presence of a court reporter to record such testimony. A typewritten transcript of such testimony shall be prepared as soon as possible after such hearings and shall be made available to the public in accordance with the rules regarding access to public records held by the commission. The transcript of a court reporter prepared pursuant to this section shall become part of the official records of the commission.

(10) Except as provided in this section, the chair shall preside at all meetings. In the event of the chair's absence the commission shall select from among the voting members a temporary chair to preside in the chair's absence. The position of temporary chair shall alternate between a member of the two parties represented on the commission.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-01-155, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-01-155, filed 9/19/91, effective 10/20/91.]

Chapter 417-02 WAC PUBLIC RECORDS

WAC

417-02-100	Purpose.
417-02-105	Definitions.
417-02-110	Public records available.
417-02-115	Public records officer.
417-02-120	Hours for inspection.
417-02-125	Requests of public records.
417-02-130	Copying.
417-02-135	Exemptions.
417-02-140	Review of denials of public records requests.
417-02-145	Protection of public records.
417-02-150	Request for public records form.
417-02-155	Records index.

WAC 417-02-100 Purpose. The purpose of this chapter is to establish methods by which the commission will comply with the provisions of chapter 42.17 RCW dealing with public records.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-100, filed 8/16/01, effective 9/4/01.]

WAC 417-02-105 Definitions. As used in this chapter:

(1) All words and phrases defined in chapter one of this title (WAC 417-01-120) and RCW 44.05.020 shall have the same meaning for the purposes of this chapter.

(2) "Public records" shall have the same meaning as defined in RCW 42.17.020.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-105, filed 8/16/01, effective 9/4/01.]

WAC 417-02-110 Public records available. All public records of the commission are available for public inspection and copying pursuant to these rules except as otherwise provided in RCW 42.17.310 or other law.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-110, filed 8/16/01, effective 9/4/01.]

WAC 417-02-115 Public records officer. The commission's public records shall be in the charge of the public records officer, who shall be the executive director of the commission. The public records officer shall be responsible for: Implementation of commission policy as to release of public records; authorizing release of records, which authorization shall be in writing; and ensuring staff compliance with the requirements of these rules and the requirements of chapter 42.17 RCW. The public records officer may designate in writing an assistant public records officer to perform the duties of public records officer when he or she is absent or unavailable.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-115, filed 8/16/01, effective 9/4/01.]

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WAC 417-02-120 Hours for inspection. Public records shall be available for inspection and copying on Monday through Friday (except state holidays) from 9:00 a.m. until noon, and from 1:00 p.m. until 4:00 p.m. on all normal business days. All public records shall be located at the commission office described in WAC 417-01-125(1).

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-120, filed 8/16/01, effective 9/4/01.]

WAC 417-02-125 Requests of public records. In accordance with chapter 42.17 RCW that agencies provide full public access to public records, prevent unreasonable invasion of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained by members of the public upon compliance with the following procedure:

(1) A request to inspect or copy public records shall be made in writing or upon a form prescribed herein which shall be available at the commission's office. The written request or form shall be presented to the public records officer or designated assistant during the office hours established in this chapter. The written request or form shall include the following information:

- The name of the person requesting the record;
- The time and date on which the request was made;
- A specific identification or description of each requested record;
- If the matter requested is referenced within the current index maintained by the commission, a reference to the requested record as it is described in such current index;
- If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) The public records officer or designated assistant will ascertain whether the information requested is exempt from public inspection and copying as defined in RCW 42.17.310 or other law.

(3) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected, shall such public record or portion thereof be made available for inspection by a member of the public.

(4) In all cases, it shall be the obligation of the public records officer or designated assistant to:

- Locate the specific document(s) requested by the member of the public in the most timely manner possible;
- Assist the member of the public in appropriately identifying the public record requested;
- Protect and otherwise prevent damage to the public record being inspected and copied;
- Prevent the disorganization of file folders or document containers; and
- Prevent excessive interference with the other essential functions of the commission.

(5) Only the staff and commissioners may open files to gain access to commission records.

(6) Original copies of public records of the commission may not be taken from the premises of the commission by a member of the public without being accompanied by staff or a commissioner.

(7) Public inspection and copying of commission records shall be done only in such locations as are approved by the public records officer or designated assistant at locations that must provide an opportunity for staff to ensure that no public record of the commission is damaged, destroyed, unreasonably disorganized, or removed from its proper location or order by a member of the public.

(8) Public records of the commission may be copied only on the copying machine of the commission unless the public records officer or designated assistant authorizes other arrangements.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-125, filed 8/16/01, effective 9/4/01.]

WAC 417-02-130 Copying. No fee shall be charged for the inspection of public records. The commission shall charge for copies of public records and the use of commission copy equipment such amount as is necessary to reimburse the commission for its actual cost incident to such copying. The commission shall charge a fee of fifteen cents per page for copying 8.5" x 11" documents as established in RCW 42.17.-300. The executive director shall establish other charges based upon actual costs for copying public records. Charges will not be assessed if the total cost involved in a particular request is less than one dollar. If the public records officer or designated assistant deems it more efficient to have copying done outside the office of the commission, the charges will be based on the actual cost of such outside copying service.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-130, filed 8/16/01, effective 9/4/01.]

WAC 417-02-135 Exemptions. (1) The public records officer or designated assistant shall delete information from any record prior to permitting public inspection or copying if the information is exempt from disclosure pursuant to RCW 42.17.310 or other law. After such information is deleted, the remainder of the record shall be made available.

(2) To the extent allowed by law, the commission reserves the right to allow the public to inspect but not copy certain public records where there is reason to believe that the ability to copy such records would be a violation of copyright agreements, contracts, or census bureau or other governmental requirements.

(3) Pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer or designated assistant will justify such deletion in writing.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record or information and a brief explanation of how the exemption applies to the records or information withheld.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-135, filed 8/16/01, effective 9/4/01.]

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WAC 417-02-140 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition the commission chair for prompt review of such decisions by rendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or designated assistant, which constituted or accompanied the denial.

(2) Immediately after receiving a written request or review of a decision denying a public record, the public records officer or designated assistant denying the request shall refer it to the commission chair. The chair shall immediately consider the matter and either affirm or reverse, in whole or in part, such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision from the chair or commission within two business days following the original denial, in accordance with RCW 42.17.-320.

(3) Administrative remedies shall not be considered exhausted until the chair, or in the event of a special meeting scheduled to address the denial, the commission has returned the petition with a decision within two business days of the denial, or until the close of the second business day following the denial, whichever occurs first.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-140, filed 8/16/01, effective 9/4/01.]

WAC 417-02-145 Protection of public records. (1) Records are available for inspection and copying at the location and during office hours identified in this chapter and WAC 417-01-125(1). Such inspection and copying may occur only in the presence of an authorized staff person of the commission and with the aid and assistance of such staff person.

(2) The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission office and the availability of authorized staff to operate the equipment.

(3) The viewing of those public records that require specialized equipment shall be by appointment only. The request for an appointment shall be made on the request for public records form or other written format as provided in this chapter. Staff shall acknowledge such request for an appointment within three working days of the receipt of such request and will provide the requester with the date(s) that such an appointment could be kept by an authorized staff person or shall advise the requester that authorized staff is not available to operate the equipment for the purposes requested, giving the reasons therefor. If a request for a viewing appointment is submitted simultaneously with a request for the record, staff shall acknowledge the requests within five working days, unless staff advises the requesting party in writing that additional time is necessary to respond and to make an appointment with the requester.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-145, filed 8/16/01, effective 9/4/01.]

WAC 417-02-150 Request for public records form. Copies of the "request for public records form" shall be made available at the commission offices. Requests for the form

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may be made in person, by letter, by telephone, by facsimile or by electronic means.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-150, filed 8/16/01, effective 9/4/01.]

WAC 417-02-155 Records index. (1) The commission shall implement a records index for the identification and location of official agency records. Those records which are considered exempt for the purposes of this chapter, RCW 42.17.310 and other law shall be noted on the index.

(2) The index shall be available for inspection and copying according to the provisions of WAC 417-02-120.

(3) The index shall be updated quarterly in those months when the commission is convened.

[Statutory Authority: RCW 44.05.080(1). 01-17-078, § 417-02-155, filed 8/16/01, effective 9/4/01.]

Chapter 417-06 WAC THIRD PARTY SUBMISSIONS

WAC

417-06-100	Purpose.
417-06-110	Definitions.
417-06-120	Requirements applicable to all plans.
417-06-130	Format for formal plans.
417-06-135	Format for partial formal plans.
417-06-140	Format for informal plans.
417-06-150	Time and place of submissions.
417-06-160	Public access to third party plans.
417-06-170	Public rights in third party plans.

WAC 417-06-100 Purpose. The commission encourages individuals and interest groups to submit proposed redistricting plans to the commission. The purpose of this chapter is to establish methods by which such plans may be submitted to the commission.

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-100, filed 9/19/91, effective 10/20/91.]

WAC 417-06-110 Definitions. As used in this chapter:

(1) All words and phrases defined in chapter one of this title (WAC 417-01-120) and RCW 44.05.020 shall have the same meaning for the purposes of this chapter.

(2) "Commission plan" means a proposed plan of redistricting, including any amendment to a proposed plan of redistricting, that is submitted to the commission by a commissioner, or by the chair or the staff of the commission. It also means a plan of redistricting, including any amendment to a proposed plan of redistricting, that is prepared by or at the direction of one or more of the commissioners.

(3) "Formal plan" means a redistricting plan other than a commission plan that meets the requirements of WAC 417-06-130 and that covers all of the territory of the state, or that covers at least all of the territory of the state that lies to the east of, or to the west of, the crest of the Cascade range.

(4) "Partial formal plan" means a plan other than a commission plan that would qualify as a formal plan except that it covers a smaller geographical area than a formal plan.

(5) "Informal plan" means a redistricting plan other than a commission plan that does not qualify as a formal plan or a partial formal plan.

(6) "Third party amendment" means a proposal for an amendment to a commission plan or a third party plan, sub-

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mitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission. A third party amendment may be a formal plan, a partial formal plan, or an informal plan.

(7) "Third party plan" means a plan of redistricting that is a formal plan, a partial formal plan, an informal plan or a third party amendment, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-110, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-110, filed 9/19/91, effective 10/20/91.]

WAC 417-06-120 Requirements applicable to all plans. The commission is required to adhere to the constitutional and statutory requirements applicable to redistricting plans. Therefore, any plan submitted to the commission must also adhere to the requirements applicable to commission plans, in art. 2, sec. 43 of the Constitution of the state of Washington and RCW 44.05.090. Copies of these constitutional and statutory provisions shall be made available from the commission.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-120, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-120, filed 9/19/91, effective 10/20/91.]

WAC 417-06-130 Format for formal plans. (1) Any formal plan submitted to the commission shall be submitted in one of the following approved formats:

(a) Paper map submissions: The commission will have available for public purchase paper maps, created using current geographic data provided by the U.S. Bureau of the Census. The maps will be sold for an amount (to be established by the executive director) sufficient to cover the cost to the commission of producing the map copies. Map scale may vary, depending on the population density in the area covered. Maps may be purchased singly or in sets. Formal plan paper map submissions from individuals and groups shall be made on the maps provided by the commission, or on full-size copies thereof. Explanations of the commission's maps, and instructions to users for submission of formal plans, shall be made available free of charge from the commission.

(b) Electronic submissions: Formal plan electronic submissions from individuals and groups shall be made on 3.5-inch floppy disks or on CD-ROMs containing a table of equivalencies file giving the census block to district assignments as assignment files in dBase, INFO, or text file format containing polygon identification and polygon district assignment columns; as district files containing a district identification number; or in a format approved by the U.S. Department of Justice. Materials explaining this format shall be made available free of charge from the commission. The commission shall make electronic information available which shall include census and geographic data. The electronic information will be made available at a charge (to be established by the executive director) sufficient to cover the cost to the commission of producing copies of the electronic files.

Each electronic formal plan submission shall be based upon current and official Bureau of the Census geography and Public Law 94-171 file unique block identity code of

state, county, tract, and block, and shall be accompanied by a full description of its contents, including an identification by name and/or location of each data file that is contained, a detailed record layout for each such file, a record count for each such file, and a full description of the format.

(2) Individuals and groups submitting formal plans shall supplement their paper map or electronic submissions with the following information: Name, address and telephone number of a contact person; a submission cover letter; the total number of plans submitted; a narrative explanation of the plan's compliance with the constitutional and statutory requirements identified in WAC 417-06-120; and a description of the original source materials and data used for the submission. They may also include with the formal plan such other supporting materials and data as they deem appropriate.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-130, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-130, filed 9/19/91, effective 10/20/91.]

WAC 417-06-135 Format for partial formal plans.

Partial formal plans shall meet the submission format requirements for formal plans.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-135, filed 6/20/01, effective 7/9/01.]

WAC 417-06-140 Format for informal plans. The commission requests that individuals and interest groups submitting informal plans use the paper map or electronic submission formats that are required for formal plans. The commission will accept informal plans that are submitted in non-conforming formats; however, such plans may not be capable of being tested for population data against the official census geography and Public Law 94-171 files that are incorporated in the commission's systems.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-140, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-140, filed 9/19/91, effective 10/20/91.]

WAC 417-06-150 Time and place of submissions.

Early submission of third party plans is encouraged. All submissions and supporting materials should be mailed or delivered to the commission's office (not to a commissioner) in Olympia, or they may be presented to commission staff at any public hearing held by the commission. Submissions may be electronically mailed to the commission's address identified in WAC 417-01-125 only if the U.S. Postal Service or other carrier delivers a physical copy of all submission and supporting materials to the commission offices. The date of the electronically mailed submission shall be the date the delivered materials are received by the commission. The submission envelope, cover letter and all other submission materials should be clearly marked: "Redistricting Plan Submission." The person or organization submitting the plan bears the responsibility and accepts the risk to ensure timely delivery of the plan to the commission. The commission has no responsibility to review untimely or improperly submitted plans.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-150, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-150, filed 9/19/91, effective 10/20/91.]

WAC 417-06-160 Public access to third party plans.

Any third party plan submitted to the commission, together with any supporting materials or data submitted in connection therewith, will be a public document, subject to inspection and copying in compliance with the commission's rules with respect to public records (chapter 417-02 WAC).

[Statutory Authority: RCW 44.05.080(1). 91-20-006, § 417-06-160, filed 9/19/91, effective 10/20/91.]

WAC 417-06-170 Public rights in third party plans.

The submission of any third party plan to the commission shall be deemed for all purposes a release and waiver, and an unconditional assignment to the state, of any proprietary or ownership rights therein, and in any materials or data submitted in connection therewith. The commission, the state supreme court, and any other person or entity shall have the free and unrestricted right to make any use whatever, without any charge (except for copying charges that may be assessed by the commission in response to public records requests for plans, under WAC 417-06-160 and chapter 417-02 WAC) and free of any trademark, copyright or similar restriction, of all or any part of any such third party plan, and any such materials or data.

[Statutory Authority: RCW 44.05.080(1). 01-13-123, § 417-06-170, filed 6/20/01, effective 7/9/01; 91-20-006, § 417-06-170, filed 9/19/91, effective 10/20/91.]